

119TH CONGRESS
1ST SESSION

S. 2368

To take measures with respect to certain property that is nationalized or expropriated by foreign governments, to amend section 301 of the Trade Act of 1974 to include expropriation of the assets of United States persons in acts, policies, and practices of foreign countries that are unreasonable or discriminatory, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2025

Mr. HAGERTY (for himself, Mr. KAINE, Mrs. BRITT, Mr. TUBERVILLE, Mr. WICKER, Mrs. BLACKBURN, Ms. ALSOBROOKS, and Mr. BUDD) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To take measures with respect to certain property that is nationalized or expropriated by foreign governments, to amend section 301 of the Trade Act of 1974 to include expropriation of the assets of United States persons in acts, policies, and practices of foreign countries that are unreasonable or discriminatory, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Defending American
3 Property Abroad Act of 2025”.

4 **SEC. 2. IDENTIFICATION AND PROHIBITIONS WITH RE-**
5 **SPECT TO PROPERTY NATIONALIZED OR EX-**
6 **PROPRIATED BY FOREIGN GOVERNMENTS.**

7 (a) DEFINITIONS.—In this section:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means—

11 (A) the Committee on Homeland Security
12 and Governmental Affairs, the Committee on
13 Foreign Relations, the Committee on Finance,
14 and the Select Committee on Intelligence of the
15 Senate; and

16 (B) the Committee on Homeland Security,
17 the Committee on Foreign Affairs, the Com-
18 mittee on Ways and Means, and the Permanent
19 Select Committee on Intelligence of the House
20 of Representatives.

21 (2) COVERED FOREIGN TRADE PARTNER.—The
22 term “covered foreign trade partner” means a coun-
23 try in the Western Hemisphere that has in effect a
24 free trade agreement with the United States.

25 (3) PASSENGER VESSEL.—The term “passenger
26 vessel” means a vessel that—

1 (A) is authorized to carry 149 or more
2 passengers;

3 (B) has onboard sleeping facilities for each
4 passenger;

5 (C) is on a voyage that embarks or dis-
6 embarks passengers; and

7 (D) is not engaged in a coastwise voyage
8 subject to chapter 105 of title 46, United
9 States Code.

10 (4) PROHIBITED PROPERTY.—The term “pro-
11 hibited property” means any port, harbor, or marine
12 terminal, including any relevant port infrastruc-
13 ture—

14 (A) that is located within the territory of
15 a covered foreign trade partner;

16 (B) that is accessible only through land
17 that is owned, held, or controlled, directly or in-
18 directly, by a United States person; and

19 (C) if an agency or official of the govern-
20 ment of the covered foreign trade partner has,
21 on or after January 1, 2024—

22 (i) nationalized, forcibly limited, or ex-
23 propriated the land described in subpara-
24 graph (B);

1 (ii) repudiated or nullified any con-
2 tract, permit, concession, easement, or
3 similar authorization with a United States
4 person related to that land; or

5 (iii) taken any other action that has
6 the effect of seizing ownership or control of
7 that land.

8 (5) RELEVANT PORT INFRASTRUCTURE.—The
9 term “relevant port infrastructure” means the fol-
10 lowing infrastructure at a port or harbor:

11 (A) Conveyors and other equipment used
12 to load or unload freight or passenger vessels.

13 (B) Roads and pathways used to load or
14 unload freight or passenger vessels.

15 (C) Docks and piers used to load or unload
16 freight or passenger vessels.

17 (D) Moorings, dolphins, or other structures
18 used for anchoring freight or passenger vessels.

19 (E) Silos, domes, or other structures used
20 for the storage of any good, ware, article, mer-
21 chandise, or other freight.

22 (F) Offices, facilities, and other buildings
23 used for the administration and security of the
24 port or harbor.

1 (6) UNITED STATES.—The term “United
2 States” includes the 50 States, the District of Co-
3 lumbia, and any territory or possession of the
4 United States.

5 (7) UNITED STATES PERSON.—The term
6 “United States person” means—

7 (A) a United States citizen or an alien law-
8 fully admitted for permanent residence to the
9 United States; or

10 (B) an entity not less than 50 percent of
11 the ownership interest in which is owned by
12 United States citizens.

13 (b) DESIGNATION OF PROHIBITED PROPERTY.—Not
14 later than 60 days after the date of the enactment of this
15 Act, the Secretary of Homeland Security, in consultation
16 with and with the concurrence of the Secretary of the
17 Treasury and the Secretary of State, shall—

18 (1) identify and designate all prohibited prop-
19 erty;

20 (2) provide a list of all prohibited property des-
21 ignated under paragraph (1) to—

22 (A) the agencies and officials within the
23 Department of Homeland Security, the Depart-
24 ment of the Treasury, and the Department of

1 State responsible for the implementation of sub-
2 section (c); and

3 (B) the appropriate congressional commit-
4 tees; and

5 (3) publish the list required under paragraph
6 (2) in the Federal Register.

7 (c) PROHIBITIONS ON USE OF PROHIBITED PROP-
8 erty.—The President shall prohibit any vessel loaded or
9 previously held at a port, harbor, or marine terminal that
10 is designated as prohibited property under subsection
11 (b)(1) from—

12 (1) importing into the United States any good;

13 (2) releasing into the United States any good;

14 (3) docking any passenger vessel in the United
15 States;

16 (4) releasing into the United States any pas-
17 senger from a passenger vessel; or

18 (5) dry docking, completing repair work, refur-
19 bishing, victualing, refueling, or conducting any
20 other servicing or maintenance-related activities.

1 **SEC. 3. EXPANSION OF ACTS, POLICIES, AND PRACTICES**
 2 **THAT ARE UNREASONABLE OR DISCRIMINA-**
 3 **TORY UNDER TITLE III OF THE TRADE ACT**
 4 **OF 1974.**

5 Section 301(d)(3)(B) of the Trade Act of 1974 (19
 6 U.S.C. 2411(d)(3)(B)) is amended—

7 (1) in clause (iii)(V), by striking “, or” and in-
 8 serting a comma;

9 (2) by moving clause (iv) 2 ems to the left;

10 (3) in clause (iv), by striking the period at the
 11 end and inserting “, or”; and

12 (4) by adding at the end the following:

13 “(v) constitutes, with respect to the assets
 14 of a United States person—

15 “(I) direct or indirect expropriation or
 16 nationalization,

17 “(II) arbitrary or capricious treat-
 18 ment,

19 “(III) denial of due process, or

20 “(IV) discrimination on the basis of
 21 nationality.”.

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